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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 **DERRICK LEE SLEDGE,**

12 Plaintiff,

13 v.

14 **DAVID BALKIND, et al.,**

15 Defendants.  
16

C 07-4622 CRB (PR)

**[PROPOSED] ORDER  
GRANTING DEFENDANTS'  
MOTION TO DISMISS**

17 The Court has considered all supporting and opposing arguments regarding the Motion to  
18 Dismiss filed by Defendants R. Schnorr, M. Vela, and M. Arfa. The Court finds that Plaintiff's  
19 Complaint fails to state a claim upon which relief may be granted, that the Plaintiff's Complaint  
20 is barred by the prior invalidation rule, and that the Defendants are entitled to qualified  
21 immunity. The Court further finds that Plaintiff's claims for punitive damages are barred as  
22 Plaintiff has failed to state sufficient facts to support a claim for this type of damages.

23 Therefore, the Defendants' Motion to Dismiss is GRANTED and this case is dismissed with  
24 prejudice.

25  
26 Dated: \_\_\_\_\_

27 The Honorable Charles R. Breyer  
United States District Court Judge